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FISCAL IMPACT STATEMENT

LS 6252

BILL NUMBER: SB 72

NOTE PREPARED: Feb 12, 2004

BILL AMENDED: Feb 12, 2004

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR: Rep. Mahern

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) The bill provides that a voter registration application having an illegible or a missing postmark is valid if received not later than 21 days before the election.

(B) The bill provides that a person who serves as a political committee's treasurer in violation of certain statutes is subject to a civil penalty upon the unanimous vote of the Election Commission or county election board.

(C) The bill provides that a candidate for a municipal office shall file certain campaign finance reports even if a primary or municipal election is not held in the municipality.

(D) The bill requires a county election board to conduct municipal elections in all towns unless a town opts out.

(E) The bill provides that one precinct election board may serve all precincts at a single polling place.

(F) The bill provides that voters in a municipality's newly acquired territory may vote regardless of when the territory was acquired.

(G) The bill provides that only counties that count absentee ballots at a central location may authorize the use of electronic equipment at the clerk's office for the casting of absentee ballots.

(H) The bill requires the voter's signature on an absentee ballot application to be compared to the voter's

signature on the voter's registration record under certain circumstances.

(I) The bill requires a special election to be ordered in an election contest after a finding that the occurrence of deliberate acts makes it impossible to determine which candidate received the highest number of votes.

(J) The bill makes changes to qualifications of precinct election officers, the filing place for replacement candidates for local judicial offices of independent and minor party candidates, and small town election procedures.

(K) The bill establishes deadlines for: (1) the Election Division to certify certain information concerning candidates for President and Vice President and Presidential electors; and (2) printing provisional ballots in a Presidential election year.

(L) The bill allows an absentee ballot cast by a voter required to provide additional documentation to be counted under the provisional ballot procedure if the documentation is filed before 6 p.m. on election day.

(M) The bill establishes eligibility requirements for provisional ballot counters.

(N) The bill establishes a procedure for breaking a tie vote in a municipal election.

(O) The bill resolves a conflict in current law concerning: (1) the resumption of registration after a special election; and (2) the procedure for determining certain voter challenges.

(P) The bill makes technical changes relating to: (1) election administration; (2) precinct election officers; (3) watchers; (4) certification of nominees; (5) campaign finance reports; (6) voter registration; (7) rights of voters; (8) municipal elections; (9) ballot format; (10) absentee voting; (11) polling places; (12) provisional ballots; (13) election recounts and contests; (14) filling vacancies in local offices; (15) the meeting of presidential electors; (16) filing financial disclosure statements; and (17) appointment of deputies of local officials.

(Q) The bill repeals: (1) a duplicate requirement for filing with the Election Division a certificate of the public test of an optical scan voting system; and (2) a special procedure involving a county commissioner's resignation. (The introduced version of this bill was prepared by the Census Data Advisory Committee.)

Effective Date: Upon passage; July 1, 2004.

Explanation of State Expenditures: (B) Under the bill, a treasurer of a candidate's committee for a statewide office that violates the following qualifications under statute would be subject to a civil penalty. The qualifications are as follows. The treasurer must be a United States citizen. The treasurer may not be the chairman of a committee unless the candidate is also the chairman and treasurer. Finally, a candidate may not be the treasurer of another candidate's committee.

Under the bill, the Election Commission would have to determine by unanimous vote of the entire membership that a violation occurred to the treasurer qualifications listed above. If such unanimous decision is reached, the Commission would be able to assess a civil penalty not to exceed \$500 plus any investigative costs incurred and documented by the Election Division.

Under current law, election law civil penalties are placed in the state Campaign Finance Enforcement Account. As of June 30, 2003, the state Campaign Finance Enforcement Account had a budgetary fund

balance of \$21,066, with \$17,299 in fines collected in FY 2003.

(K) The bill gives the Election Division an extra seven days to insure that Presidential general election provisional ballots reach their appropriate circuit court clerk. This provision should have a minimal impact to Election Division expenditure for provisional ballots.

Explanation of State Revenues:

Explanation of Local Expenditures: (B) Under the bill, a treasurer of a candidate's committee for a local office that violates the following qualifications under statute would be subject to a civil penalty. The qualifications are as follows. The treasurer must be a United States citizen. The treasurer may not be the chairman of a committee unless the candidate is also the chairman and treasurer. Finally, a candidate may not be the treasurer of another candidate's committee.

(D) Under the bill, county election boards would conduct municipal elections in all towns. However, a town would be provided the option to pass an ordinance to establish a town election board to conduct municipal elections. Under current law, counties already conduct elections in towns with a population of under 500 persons. It is possible that some towns may rescind their town election boards in order to allow their parent county election board to conduct municipal elections. This provision could present an expenditure savings to the town, assuming the parent county is able to conduct the municipal election more efficiently than the town. Unless costs cannot be directly attributable to a town, there would be no impact to county finances as a result of this provision. It may be possible that additional voting machines would be needed to cover several additional towns within a county. However, depending on the arrangement made with the town to conduct the election, the county would probably charge these costs to the town. The cost to rent a Micro Vote direct recording electronic machine is approximately \$2,500 plus \$300 for each additional machine rented. (See *Background*.)

(E) Under the bill, county election boards would be allowed to adopt an ordinance to allow more than one precinct to be served by a precinct election board at a special election. This provision could present a savings to local expenditures when counties conduct special elections. (See *Background*.)

(F) The provision could require county election officials to process more ballots to account for voters in areas that were annexed and possibly revise poll books less than 30 days before the municipal election. Current law requires a 30-day deadline for municipal boundary extension to allow annexed voters to vote in the municipal election.

(G) P.L. 69-2003 allows counties the option to use an electronic voting system to tabulate absentee ballots in an election. The bill restricts the usage of electronic voting systems to counties that have adopted a resolution to centrally count absentee ballots.

(I) The bill would add "deliberate act or series of action occurred" to the determinations that a court may find when ruling on a contest to a public question. This provision would also apply to recounts under determination of the State Recount Commission. If more favorable rulings on contests or recounts occur as a result of this provision, more special elections could be held.

(J) Under the bill, joint meetings of the boards of county commissioners sharing a particular circuit could be convened to replace certain circuit or county officials. There are only four Indiana counties that share a circuit. The counties are Dearborn, Jefferson, Ohio, and Switzerland.

Background: Under current law, county election boards are required, with some exceptions, to conduct a municipal primary and election. Additionally, expenses from county-operated municipal elections are reimbursed by the municipality to the county. If the expenses of a municipal primary or election cannot be directly attributed to a single municipality, the expenses are apportioned 25% to the county and 75% to the municipalities in the county holding an election.

Expenses to run an election include: precinct election board per diem, rental of a facility for polling (if necessary), and/or voting equipment (if necessary). Based on a small sample of Indiana counties, per diem for election board members ranged from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

(L & O (2)) The provision may increase the number of provisional ballots that would be accounted for in an election. The provision would reduce the administrative steps a precinct election board may undertake under current law to address challenged absentee ballots if the ballots were treated as provisional ballots.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Division; Indiana Election Commission; Indiana State Recount Commission.

Local Agencies Affected: County election boards, circuit court clerks, towns.

Information Sources: Brad King, Co-Director, Indiana Election Division; Robert Vane, Marion County Election Board, (317) 327-5117; Voter Registration, Marshall County Circuit Court Clerk's Office, (574) 935-8713; Warren County Clerk's Office, (765) 762-3510; Angela Owensby, Lake County Election Board, (219) 755-3443; Kosciusko County Clerk's Office, (574) 372-2332; Johnson County Clerk's Office, (317) 736-3708; Janice Sexton, Vigo County Clerk's Office (812) 462-3214; Orange County Clerk's Office, (812) 723-2649; Randolph County Clerk's Office, (765) 584-4214; Perry County Auditor, (812) 547-6427; Hendricks County Election Board (317) 745-9313; Boone County Clerk's Office, (765) 482-3510; Terri Probasco, Tippecanoe County Board of Elections and Registration (756) 423-9303; Steve Shamo, Micro Vote, (317) 257-4900.

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